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03382-P0099A (25896-338)

VIA FACSIMILE: 703-872-9306**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Ronald S. Kolessar, et al.

Application No.: 10/811,174

Group Art Unit: 2171

Filed: March 25, 2004 (March 26, 2004)

Examiner: Martha K. Holte

For: SYSTEMS AND METHODS FOR GATHERING DATA CONCERNING USAGE OF
MEDIA DATA

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.10(d)
TO CORRECT FILING DATE OF APPLICATION

SIR:

This is a Petition under 37 C.F.R. § 1.10(d) to correct the filing date of the above-referenced patent application. As demonstrated below, the above-referenced application was originally filed via Express Mail on March 26, 2004, and, therefore, should have been accorded a filing date of March 26, 2004. Instead, the U.S. Patent & Trademark Office incorrectly accorded the present application a filing date of March 25, 2004, since the "date-in" on the Express Mail Mailing Label incorrectly stated March 25, 2004.

The pertinent facts are as follows:

(1) During March, 2005, the undersigned attorney of record was instructed by Arbitron, Inc., the assignee of the present U.S. application, to prepare and file an International (PCT)

Adjustment date: 10/27/2005 AKELLEY
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for last scheduled pickup of "5pm", the signature of the depositor, a date of logbook entry of "3/26" and a time of logbook entry of "5pm." Further, the U.S. Postal Service e-mail identifies, with respect to express mail label no. EL889891135US, that the Express Mail Package was accepted by the U.S. Postal Service on "3/26/04 4:53pm." Thus, the documents presented sufficiently show that the present application was originally filed on March 26, 2004.

In light of the foregoing, it is respectfully requested that the above-referenced U.S. patent application be accorded a filing date of March 26, 2004, the actual date of deposit of the original filing of this application with the U.S. Postal Service.

The Commissioner is authorized to charge the petition fee of \$130.00 to Deposit Account No. 03-3415, and any other fee required in connection with the consideration and/or granting of this petition should be charged to Deposit Account No. 03-3415.

Respectfully submitted,



Eugene L. Flanagan, III
Reg. No. 27,634

COWAN, LIEBOWITZ & LATMAN, P.C.
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(212) 790-9200

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 10/20/05 2 Serial/Patent # 10/811,174

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